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NEWSLETTERS

MAKE MY HOMEPAGE

Finding justice, at last, for disabled

Authorities say much needs to be done to protect a vulnerable group of people.

**By Ramon Coronado -- Bee Staff Writer
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She was filled with shame and anger after her school bus driver raped her, but the 28-year-old woman with a developmental disability couldn't bring herself to tell anyone about the attack.

"I didn't think anybody would believe me," the woman, who has the mental capacity of a 7-year-old, said in an interview.

Two years after the attack, the woman broke down while washing dishes with her mother, who later told police. With the help of loved ones, the woman testified against the bus driver.

Earlier this year, a Sacramento Superior Court jury convicted Willie Bolton of the woman's rape. In May, he was sentenced to 37 years to life in prison.

Advocates for people with disabilities say her case and others like it are leading to a greater awareness of the vulnerability of what one detective describes as a criminal's ideal victim.

Government and private research shows that this segment of the population is targeted for crime more than other groups and that their crimes are reported less often. Yet, the state does not keep statistics of crimes against people with disabilities like it does for other groups.



Athena Brown prepares to strike a punching bag during a self-defense and personal-safety class taught by Susan Whaley, in flowered blouse.

Sacramento Bee/Manny Crisostomo

Advocates say they believe that the reporting of crimes against the disabled is following a similar pattern as child abuse, elder abuse and domestic violence, and that it is just beginning to receive attention.

State agencies, prosecutors, detectives, case workers and teachers are working to find ways to encourage people with disabilities to report crimes and to more effectively prosecute the people who prey on them.

"There is a special population out there that may not be obtaining the level of service that mainstream society is receiving," said Kirby Everhart, who heads the Crime Victims with Disabilities State Coordinating Committee.

The new committee, made up of representatives from 21 state agencies and organizations, plans to coordinate efforts that focus exclusively on the victims.

Gov. Gray Davis also has established a program called the "The Crime Victims with Disabilities Initiative." One of its first efforts was the implementation of a \$343,200 program that pays for six "crime victims with disabilities specialists." They are in Sacramento, Fresno, Ventura, Los Angeles, Riverside and Siskiyou counties.

The specialists assist law enforcement officials in their interviews with crime victims. They also try to encourage more victims to report crimes, said Janet Fernandez, Sacramento's specialist.

The specialists work in private homes, group homes and hospitals, and spend time in police interview rooms, Fernandez said.

They are trained to communicate with people who have a wide range of sensory, developmental or physical disabilities. A blind man, for example, may not be able to describe his assailant, but he can tell what he heard. A woman with cerebral palsy may not be able to describe an attack, but she might recognize a photo.

"Even someone with profound mental retardation may still be able to express how they were victimized," Fernandez said.

Dan Sorensen, a leader of the California Coalition on Crime Against People with Disabilities, a private, 11-year-old, statewide advocacy group, said awareness of the problem is growing.

"It is only now beginning to be widely discussed and acknowledged. Many years ago nobody believed that child abuse existed. Crimes against people with disabilities may be following the same pattern," he said.

Research shows a high rate of crime against people with disabilities, but more research is needed to get details, Sorensen said.

A recent study by the U.S. Justice Department found that people with disabilities are four to 10 times more likely to be victims of crime than members of other groups. Yet only 4.3 percent of those people reported crimes, compared to 44 percent of the general population, Sorensen said.

Researchers have been prevented from getting a clearer picture of the problem because crimes against people with disabilities were not counted as a separate category in national criminal statistics.

While the National Crime Victims Survey has recently begun to make such a count, data collected so far is insufficient to draw conclusions, Sorensen said.

In California, there is no specific category for crimes against those who are disabled, unlike crimes against children and the elderly, according to the state attorney general's office.

"That results in under-reporting, under-investigating and the lack of prosecution," Everhart said.

In California, 4.3 million people, or 20 percent of the population, have a disability, according to the state. A disability is defined as a long-term impairment that interferes with basic functions, such as walking or talking.

Susan Whaley, a teacher of special education students in the Sacramento Unified School District, said more of her students want to live and work in mainstream society than in years past. To help her two dozen students, ages 18 to 22, she instructs them how to avoid becoming victims of crime. She tells them to have at least two "safe" people they can trust, in separate places, at all times.

They also are taught how to report incidents using icons or pictures of faces. Some are happy. Others are angry or sad.

"The pictures help express their feelings," Whaley said.

Whaley and co-teacher Stacey Hoffman recently won a \$700,000 grant from the U.S. Department of Education to develop their class instruction as a model for other teachers.

As instructors alter their teaching techniques, prosecutors are changing their approach in preparing cases.

Earlier this year, state Attorney General Bill Lockyer sent a 70-minute training video devoted to crimes against people with disabilities to California law enforcement officials.

"I think there has been a change in public attitude and government's response to the vulnerability of this particular population," Lockyer said.

In order to "build strong cases for prosecutions," the video shows how traditional interviewing techniques should be modified to fit the disability of the crime victim.

The tape also urges investigators to be especially aware of ethnic and cultural differences among people with disabilities. It cites a rape case that was tossed out of court after a Russian victim, who could not speak, gave her statement to an officer through a sign language interpreter. The interpreter spoke only English and gave the wrong sign for a single word, which had an opposite meaning in Russian.

Lockyer is updating a training manual for prosecutors, which includes up-to-date code sections and laws dealing with crimes against people with disabilities.

Sacramento County Sheriff's Detective Craig Kilborn, who has dealt with crimes against the elderly and people with disabilities for the past six years, said he believes more laws are needed to protect them.

The prosecution of Bolton on rape charges led to a new state law in 1995 that requires background checks of bus drivers who transport people with the disabilities. Bolton had previously been convicted of assault with a deadly weapon.

The rape victim was one of three women with disabilities who were sexually assaulted by Bolton and two other bus drivers from the same company. The company was sued and settled out of court for \$500,000.

During the trial, Bolton's victim had difficulty testifying. Bolton's lawyer tried to discredit her by focusing on her learning disabilities. She didn't know how many months there are in a year.

Though several years had passed, the woman testified about details of her home life and the crime scene, which were verified by other evidence. Every day in court she was accompanied by a small group of loved ones.

"My mother, people at my school, my friends -- they all supported me," said the woman, who is now 34. "I'm a proud girl."

About the Writer

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Drawings of faces that indicate feelings, such as sad or afraid, are one tool that investigators use when interviewing people with disabilities about crimes.

Sacramento Bee/Manny Crisostomo